

Formal Comments on CS Docket No. 97-55**APR - 7 1997****Background****DOCKET FILE COPY ORIGINAL****RECEIVED**

The motion picture industry used to submit to a code of ethics for the production of films (from 1930-1966). This code included restrictions on the amount and level of violence and profanity. The general principle of the code states, "The sympathy of the audience shall never be thrown to the side of crime, wrong-doing, evil or sin."¹ The reasons for submitting to the code were that moral characters and stories could "become the most powerful natural force for the improvement of mankind."² However, instead of improvement, the aim of the media now is to promote bizarre lifestyles, violence, and the pursuit of selfish pleasures - a reflection of the Hollywood lifestyles responsible for much of the content on television and in the movies.

The growing problem of television violence, inappropriate language, and sexual themes

Television is now following the road the film industry began thirty years ago. The level of violence, sexual content, and profane language continues to escalate with frightening swiftness. The concept of a family hour has completely disappeared, having been replaced by programming containing sexual themes as early as 7:00 p.m. A recent study (1996) of the television industry revealed the high levels of violence in the media.³

Source	Level (%)
Percentage of theatrical movies shown on television which depict violence	90%
Percentage of shows which depict violence on premium cable	85%
Percentage of shows which depict violence on basic cable	59%
Percentage of shows which depict violence on independent broadcast networks	44%
Violent scenes for which there is no depiction of <i>any</i> long-term consequences	84%
Violence for which the perpetrators go unpunished	73%
Programs which depict violence in a humorous context	67%
Violent interactions on television which involve the use of a handgun	25%
Television shows which use advisories like "viewer discretion is advised"	4%
Violent television programs which emphasize an anti-violent theme	4%

Even programs designed for children (such as cartoons) have become so violent that children grow up with the perception that such violence is a common and acceptable part of life. Studies have shown that children who watch a large number of violent programs tend to favor using aggression to resolve conflicts.⁴ Children's Saturday morning programming contains an average of 20 to 25 violent acts per hour compared with about 5 violent acts per hour for prime-time television. A recent study, *Television Violence Monitoring Project*,⁵ classifies violence into three categories: Slapstick, Tame Combat Violence and Sinister Combat Violence. Eight "children's" programs have been classified as Sinister Combat Violence because fighting is the main attraction or focus. According to the UCLA Center for Communication Policy "These shows are mean-spirited and feature violence for the sake of violence." The shows and their network producers appear below:

1. <i>Batman and Robin</i> (Fox)	5. <i>Mega Man</i> (Fox)
2. <i>The X-Men</i> (Fox)	6. <i>Teenage Mutant Ninja Turtles</i> (CBS)
3. <i>Wild C.A.T.S.</i> (CBS)	7. <i>The Mighty Morphin Power Rangers</i> (Fox)
4. <i>Skeleton Warriors</i> (CBS)	8. <i>Super Samurai Syber Squad</i> (ABC)

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What do American television viewers think about the level of violence on television? A poll by Mediascope⁶ determined the following opinions from the American public. Eighty-two percent consider movies too violent, 72% say that entertainment television has too much violence, and 57% think television news emphasizes too many stories involving violent crime. Eighty percent of Americans think that television violence is "harmful" to society. The number who think it is "very harmful" increased from 26% in 1983 to 47% in 1993. Fifty-three percent of Americans believe that viewing portrayals of violence in television, film, books and newspaper stories make people more likely to "do something violent." This survey and others indicate the American public is very concerned about the level of violence on television.

Congress' proposed solution to the problems of indecency in television

The government's solution to the problem of television violence was the passage of the Telecommunications Act of 1996, Public Law 104-104. The act regulates many aspects of telecommunications, including the establishment of a television rating code. The specific code is listed below:

(SEC. 551. PARENTAL CHOICE IN TELEVISION PROGRAMMING.)⁷

(b) ESTABLISHMENT OF TELEVISION RATING CODE-

(1) AMENDMENT-

Section 303 (47 U.S.C. 303) is amended by adding at the end the following:

“(w) Prescribe--

(1) on the basis of recommendations from an advisory committee established by the Commission in accordance with section 551(b)(2) of the Telecommunications Act of 1996, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children: Provided, That nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

(2) with respect to any video programming that has been rated, and in consultation with the television industry, rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.”

To meet the requirements of the act, the TV Parental Guidelines Oversight Monitoring Board, composed primarily of media industry people, and chaired by Jack Valenti, was set up to propose a television rating system. The board submitted its proposal to the Federal Communications Commission on January 17, 1997, which will evaluate it and take public and expert testimony. The system developed by the TV Parental Guidelines Oversight Monitoring Board is an age-based system listed below:

Age-Based Television Rating Scheme⁸

Rating	Recommendations
TV-Y:	Suitable for all children.
TV-Y7:	For children able to distinguish between make-believe and reality.
TV-G:	Most parents would find this program suitable for all ages.
TV-PG:	Parental guidance suggested.
TV-14:	Parents strongly cautioned. May contain material many parents would find unsuitable for children under age 14.
TV-M:	Mature audiences only.

Problems in an "Age-Based" television rating system

Problems in the proposed rating system are apparent already. Programs that have virtually the same content are getting different ratings. For example, the David Letterman Show is rated TV-PG, whereas the Jay Leno Show is rated TV-14.⁹ "Friends," NBC's blockbuster hit about six young characters, was given a TV-PG rating while "Cybill," airing on CBS, was deemed TV-14. Both shows contain explicit sexual innuendoes and are not appropriate for children of any age.

Since the ratings are assigned by the networks, there is room for fudging, based upon the popularity of the programs in question. NBC, for example, expects to assign a mild TV-PG (Parental Guidance) to some of its biggest comedies, including "Friends," "Seinfeld" and "3rd Rock From the Sun."¹⁰ Even the grim drama "Homicide: Life on the Street," typically will get a PG rating.

Opposition to the "Age-Based" television rating system

The age-based rating system is opposed by the Parents Television Council of the Media Research Center, the American Medical Association, the American Psychological Association, the Children's Defense Fund, the National Education Association, the National PTA, and many other groups. In polls taken by Media Research Center and the National PTA, respondents selected randomly from every state indicated they preferred a content-based rating system (based upon the level of violence, sexual content, and language) over an age-based rating system by 79% and 80%, respectively.

Advantages of a "Content-Based" television rating system

Child advocacy groups and other concerned groups propose a television rating system based upon the content (e.g., levels of violence, sexual content, and inappropriate language). The advantages of a content-based system appear in the table below:

Age-based system	Content-based system
<ul style="list-style-type: none">• Favored by 20% of American parents, according to a recent survey by the National PTA	<ul style="list-style-type: none">• Favored by 80% of American parents, according to a recent study by the National PTA
<ul style="list-style-type: none">• Does not provide parents with specific information about the content of individual programs	<ul style="list-style-type: none">• Includes symbols about the content of specific programs (V, S, and L for violence, sex or language)
<ul style="list-style-type: none">• Requires the TV industry to judge what material is acceptable for all children of a particular age range	<ul style="list-style-type: none">• Allows parents to judge what material is acceptable for their children
<ul style="list-style-type: none">• Assumes there is only one universal standard of program suitability for all children; applies that standard "across the board"	<ul style="list-style-type: none">• Accepts that there are different standards of suitability for children with different characteristics, backgrounds, and experiences
<ul style="list-style-type: none">• Intermingles violence, sex, and language issues in a single judgment; thus a parent cannot know why a show has been rated in a given way (i.e., which shows have sex, which have violence, etc.)	<ul style="list-style-type: none">• Clearly separates ratings for each area (V/S/L); thus a parent can make viewing choices based upon specific information (i.e., some parents are more concerned about sex, others about violence, etc.)
<ul style="list-style-type: none">• Shown to cause a boomerang effect by attracting younger viewers to content labeled as "forbidden fruit" (i.e., not intended for children below age 13)	<ul style="list-style-type: none">• Shown to have no influence on children's interest in program content -- thus no possible boomerang effect from making labeled programs more attractive
<ul style="list-style-type: none">• Judged as inadequate by 17 out of 18 of the nation's leading children's experts, according to a survey by Children Now	<ul style="list-style-type: none">• Supported almost unanimously by the experts as an essential aspect of any ratings system, according to the Children Now survey

The current age-based rating system is *unacceptable* since it fails to do what the law requires "for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children." The age-based rating system fails in that it does not identify and inform parents of the "sexual, violent, or other indecent material" required by the law. Many parents oppose the levels of violence on television. A content-based rating system would eliminate or reduce the level of violence on television, since a high rating in this category would stigmatize such programming, leading to its removal.

I encourage the FCC to do what is right, as opposed to slapping an approval on something that is "barely satisfactory or adequate." It will be much easier to approve the age-based rating system than to design a new system. However, ultimately such an action will lead to the further decline in the quality and content of television.

Respectfully submitted by Richard Deem

References

¹Youth violence and the media: cause and violent effect. *The World and I*.

²ibid.

³*National Television Violence Study*, Mediascope, Inc., February 1996.

⁴Sources: *American Academy of Pediatrics, American Psychological Association, Center for Science in the Public Interest, Kansas State University--Cooperative Extension Service*

⁵*Television Violence Monitoring Project Report* produced by UCLA Center for Communication Policy. (Los Angeles, CA., U.S.A.), 1995.

⁶Source: Mediascope, June, 1993.

⁷Web Site: <http://www.fcc.gov/vchip/legislation.html>

⁸Source: TV Parental Guidelines Oversight Monitoring Board

⁹Farhi, P. TV rating system not letter perfect. *Washington Post*, January 11, 1997.

¹⁰Frederic M. Biddle *Boston Globe* December 20, 1996.